

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILBERTO MELENDEZ,
Plaintiff,

v.

**LANCASTER COUNTY PAROLE &
PROBATION OFFICE, et al.,**
Defendants.

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Case No. 5:21-cv-516-JDW

ORDER

AND NOW, this 5th day of April, 2021, upon consideration of Wilberto Melendez's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 4), *pro se* Complaint (ECF No. 2), Motion to Appoint Counsel (ECF No. 3), and "Motion: [Judgment] By Default" (ECF No. 6), it is **ORDERED** as follows:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915;
2. Wilberto Melendez, #94-1275, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Lancaster County Prison or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Melendez's inmate account; or (b) the average monthly balance in Melendez's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Melendez's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Melendez's inmate account until the fees are paid. Each payment shall refer to the docket number for this case;

3. The Clerk of Court is directed to send a copy of this Order to the Warden of Lancaster County Prison;

4. The Complaint is deemed filed;

5. The Complaint is **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), for the reasons stated in the accompanying Memorandum;

6. Mr. Melendez's Motion to Appoint Counsel (ECF No. 3) and his "Motion: [Judgment] By Default" (ECF No. 6) are **DENIED AS MOOT**; and

7. The Clerk of Court shall mark this case closed.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.